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AGN. NO. _____

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

MAY 13, 2003

I MOVE that the Board of Supervisors support amending Assembly Bill 1395 to establish enforcement authority for local health department agencies to provide annual routine inspection of public school restrooms, and to recover their inspection cost from the public schools or by specific State appropriations.

I, FURTHER, MOVE that the Board of Supervisors support Senate Bill 892 (Murray) that would require each city or county health department to develop a plan for regular inspection of the school restrooms in its jurisdiction.

#

MDA:rkrc

MOTION

MOLINA	_____
YAROSLAVSKY	_____
KNABE	_____
ANTONOVICH	_____
BURKE	_____



DAVID E. JANSSEN
Chief Administrative Officer

County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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Varona - Lukens

May 12, 2003

Board of Supervisors
GLORIA MOLINA
First District

YVONNE BRATHWAITE BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

MOTION TO SUPPORT AB 1395 (LOWENTHAL) -- PUBLIC SCHOOL RESTROOM FACILITY STANDARDS (ITEM NO. 3, AGENDA OF MAY 13, 2003)

Item No. 3. on the May 13, 2003 Agenda is a motion by Supervisor Knabe to support AB 1395 (Lowenthal) and to direct the Chief Administrative Officer to send correspondence to Governor Davis and the County's Legislative Delegation urging their support for quick passage of this legislation.

As amended on May 5, 2003, AB 1395 would require the governing board of every school district to develop a Restroom Facilities Improvement and Maintenance Plan by January 1, 2005 to address the problems associated with school restroom facilities and to ensure that minimum health standards are met in every restroom facility in the school district. Development of the restroom plan would be required to include participation of the governing board members, school administrators, teachers, pupils, parents or guardians, and classified school staff. The plan must address openness, cleanliness, repair, maintenance, and safety of restrooms in the school district, and implementation. Progress toward implementation would be reported in the School Accountability Report Card required under existing law.

AB 1395 also requires the governing board to ensure that all of the following minimum standards have been met in every restroom in the district: 1) toilet fixtures are completely enclosed by stalls that have tight fitting, self closing doors and solid surfaces, 2) there is an adequate supply of toilet paper, hand soap, and a sanitary method to dry hands, 3) there is an appropriate waste receptacle for waste paper and

other refuse, 4) there is running water that is adequately pressurized, and 5) all equipment is operational, clean and in good repair at all times.

The Legislative Counsel's Digest indicates that this bill would establish a State-mandated local program.

On February 12, 2003, Los Angeles Unified School District (LAUSD) Superintendent Roy Romer announced a Clean Restrooms Initiative to be effective immediately which would ensure that middle and senior high school students have access to clean, functioning restrooms. The LAUSD press release is attached. LAUSD has not yet taken a position on AB 1395.

The Department of Health Services (DHS) indicates that AB 1395 has no impact on the Department because schools are held accountable for restroom maintenance and the bill does not establish a requirement for DHS to enforce the measure. **However, because providing clean restrooms is essential for the health and safety of students in public schools, DHS recommends that the County support AB 1395, and we concur.**

AB 1395 is sponsored by the author and supported by the California Teachers Association, the California Medical Association and Californians for Justice. There is no registered opposition.

AB 1395 passed the Assembly Education Committee by a vote of 8 to 3 on May 7, 2003.

DEJ:GK
MAL:MS:ib

Attachment

c: Executive Officer, Board of Supervisors
County Counsel
Department of Health Services

- **Regular Inspection and Monitoring** Restroom attendants and additional custodians will be hired and assigned to every middle and senior high school to monitor, spot-clean, restock student restrooms and to provide an adult presence to discourage vandalism.
 - School plant managers will take a daily inventory of any restroom fixtures each day and place "trouble calls" to report needed repairs
 - Personnel from each of the local districts will inspect student restrooms at a minimum of 33 schools each week
 - Students, faculty and district employees who visit schools are urged to inspect restrooms and report needed repairs either to the school principal or the District's Clean Restroom Hotline (800-495-1191)
- **Repairing School Bathrooms** District personnel are completing an inventory of all student restrooms to determine needed repairs. Personnel will be reassigned to clear a backlog of restroom repair orders.
 - A new repair schedule details specific response time for trouble calls. For example, inoperative urinals or broken stall doors will be repaired within 48 hours of receipt of the trouble call
 - \$10 million will be spent in the next year to renovate, repaint and upgrade student restrooms
 - The installation of missing stall doors is now underway
- **Student Involvement** Students must be involved in supporting the clean bathrooms program. Schools will involve all students, including student leaders, in preventing vandalism and keeping restroom areas clean. Schools will encourage student "pride of ownership" to help keep restrooms clean.
- **Parent Involvement** Schools will involve parents in working with the schools to develop behavior standards to maintain clean, functioning bathrooms on campus.

The announcement was made after Romer met with middle and senior high school principals.

The cost of hiring the restroom attendants and custodians is approximately \$11 million, which will be drawn from the District's General Fund.

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News Release

February 12, 2003

#02/03-133

CLEAN RESTROOMS INITIATIVE ANNOUNCED

Program Places More Resources in Schools

Los Angeles Unified School District (LAUSD) Superintendent Roy Romer today unveiled an initiative that ensures that middle and senior high school students have access to clean, functioning restrooms. The six-part program takes effect immediately at the district's 125 middle and senior high schools.

The Clean Restroom Initiative details the location and student access to school restrooms, regular restroom inspections and repair schedules --- and adds attendants and custodial personnel at every middle and senior high school.

The program is designed to provide long-term improvement of student restrooms at the district's secondary schools and includes components to involve students and parents, whose help is sought in preventing vandalism.

"Students must have access to clean and operable bathrooms on campus," said Romer. "We are beefing up resources at the schools to increase adult supervision and oversight of the bathrooms. But we are also asking students to take ownership of their schools and help us prevent the vandalism that so often destroys student restrooms."

Students, employees and parents are urged to report needed repairs to the District's "Clean Restroom Hotline" at 800-495-1191. Additionally, all central district personnel are asked to inspect student restrooms whenever they visit schools and report any problems.

The District's clean restroom initiative consists of six points:

- **Open Bathrooms** Every secondary school has produced a site map that specifies the location and open hours of each student restroom on campus.
- **Clean Bathrooms** The District has established a new schedule for cleaning and servicing bathrooms at every secondary level school. Under the new schedule, school restrooms will be thoroughly cleaned overnight before the school day begins and restocked with soap and paper supplies three times each day.

(more)



DAVID E. JANSSEN
Chief Administrative Officer

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YVONNE BRATHWAITE BURKE
Second District

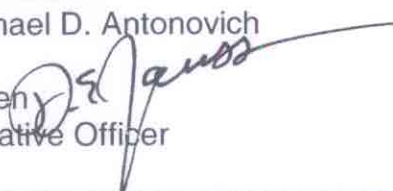
ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

May 16, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen 
Chief Administrative Officer

MOTION TO SUPPORT AB 1395 (LOWENTHAL) AND SB 892 (MURRAY) -- PUBLIC SCHOOL RESTROOM FACILITY STANDARDS AND INSPECTION (ITEM NO. 10, AGENDA OF MAY 20, 2003)

Item No. 10 on the May 20, 2003 Agenda is a motion by Supervisor Knabe to support AB 1395 (Lowenthal), and Supervisor Antonovich's amendment to that motion to: 1) seek an amendment to AB 1395 which would establish enforcement authority for local health department agencies to provide annual routine inspections of public school restrooms and to recover inspection costs from the public schools or by specific State appropriations, and 2) support SB 892 (Murray). In addition, the Board asked my office to provide information regarding when a State mandate is not eligible for reimbursement. This amended item was continued from the meeting of May 13, 2003.

AB 1395 (Lowenthal)

AB 1395 would require the governing board of every school district to develop a Restroom Improvement and Maintenance Plan by January 1, 2005 to address the problems associated with school restroom facilities and to ensure that minimum health standards are met in every restroom facility in the school district. Development of the restroom plan is required to include participation of the governing board members, school administrators, teachers, pupils, parents or guardians, and classified school staff. The plan must address openness, cleanliness, repair, maintenance, and safety of restrooms in the district.

AB 1395 was amended on May 14, 2003 to require the governing board of a school district to report, at designated school board meetings and on a biannual basis, on the district's

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progress in implementing its Restroom Facilities Improvement and Maintenance Plan, instead of including this information in the School Accountability Report Card. Because the School Accountability Report Card was established by Proposition 98, "The Classroom Instructional Improvement and Accountability Act of 1998," it would have required a 2/3 vote of the Legislature to change that provision.

AB 1395 is sponsored by the author and supported by the California Teachers Association, the California Medical Association and Californians for Justice. There is no registered opposition. It passed the Assembly Education Committee on May 7, 2003 by a vote of 8 to 3 and is awaiting a hearing in the Assembly Appropriations Committee.

SB 892 (Murray)

As amended on May 14, 2003, SB 892 requires school districts, as a condition of receipt of State apportionments, to use those funds, in part, to protect the right of every public school pupil to attend a school in which restroom facilities are available, safe and clean. The bill would require every restroom facility in each public school to be open at all times during school hours and to be regularly maintained, cleaned, fully operational, stocked with supplies, and contain the minimum number of fixtures required by existing law. The previous version of bill also would have required local health departments to develop a plan for regular inspections of school restroom facilities and authorized school pupils, parents and employees to request the health department to conduct an inspection of any school restroom.

The California State Association of Counties (CSAC) opposed SB 892 prior to the removal of the mandate that county public health agencies regularly inspect public school restrooms. CSAC noted that public health resources are currently stretched very thin and local health departments could not assume the new inspection responsibilities without compromising their ability to protect the public's health against communicable disease other public health threats. CSAC indicated that inspection and correction programs administered by school districts are a more appropriate approach to accomplishing the goals of the bill.

Senate Education Committee staff indicated in a recent Committee report that some aspects of SB 892 do not appear to be operationally feasible. For example, the requirement that every restroom facility be open, fully stocked and operational during school hours may not be possible if a plumbing problem develops that requires days to repair, or if a restroom is vandalized over a weekend it is unlikely that it would be fully operational on Monday morning.

Each Supervisor
May 16, 2003
Page 3

SB 892 is sponsored by the author and it has no registered support. CSAC dropped its opposition following the May 14, 2003 amendment which eliminated mandated inspections by local health departments. SB 892 passed the Senate Education Committee on May 14, 2003, by a vote of 9 to 1.

State Mandate Reimbursement

Under the California State Constitution, the State is not required to reimburse a local government for the costs to implement a Legislative mandate requested by that government. Bills which contain costs over \$150,000 are routinely placed on fiscal committee suspense files to be considered in the context of the State budget outlook. Should the County request an amendment to either AB 1395 or SB 892 to authorize local health department agencies to provide inspections of public school restrooms, it is likely that the County would not succeed in obtaining State reimbursement for inspection costs.

Recommendation

The Department of Health Services (DHS) indicates that providing annual routine inspections of public school restrooms would result in annual County costs of \$252,000. As currently drafted, AB 1395 and SB 892 do not mandate local health departments to inspect public school restroom facilities. **In the absence of funding to fully reimburse inspection costs, DHS recommends that the County support AB 1395 and SB 892 as currently drafted, and we concur.**

DEJ:GK
MAL:MS:lm

c: Executive Officer, Board of Supervisors
County Counsel
Department of Health Services

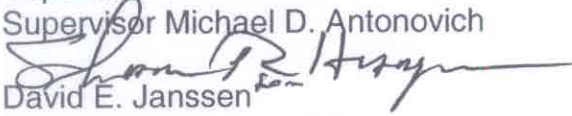


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DAVID E. JANSSEN
Chief Administrative Officer

May 30, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich
From: 
David E. Janssen
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE BRATHWAITE BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

MOTION TO AMEND AB 1395 (LOWENTHAL) AND TO SUPPORT SB 892 (MURRAY) -- PUBLIC SCHOOL RESTROOM FACILITY STANDARDS AND INSPECTION (ITEM NO. 7, AGENDA OF JUNE 3, 2003)

Item No. 7 on the June 3, 2003 Agenda is a motion by Supervisor Antonovich to 1) seek an amendment to AB 1395 (Lowenthal) to establish enforcement authority for local health department agencies to provide annual routine inspections of public school restrooms and to recover inspection costs from the public schools or by specific State appropriations, and 2) support SB 892 (Murray). This item was continued from the meetings of May 13, 2003 and May 20, 2003.

AB 1395 (Lowenthal)

AB 1395 failed passage from the Assembly Appropriations Committee's Suspense File on May 28, 2003.

AB 1395 would have required the governing board of every school district to develop a Restroom Improvement and Maintenance Plan by January 1, 2005 to address the problems associated with school restroom facilities and to ensure that minimum health standards are met in every restroom facility in the school district. Development of the restroom plan would have been required to include participation of the governing board members, school administrators, teachers, pupils, parents or guardians, and classified school staff. The plan would have addressed openness, cleanliness, repair, maintenance, and safety of restrooms in the district.

AB 1395 was amended on May 14, 2003 to require the governing board of a school district to report, at designated school board meetings and on a biannual basis, on the district's progress in implementing its Restroom Facilities Improvement and Maintenance Plan, instead of including this information in the School Accountability Report Card. Because the School Accountability Report Card was established by Proposition 98, "The Classroom Instructional Improvement and Accountability Act of 1998," would have required a 2/3 vote of the Legislature to change the provision.

AB 1395 was sponsored by the author and supported by the California Teachers Association, the California Medical Association and Californians for Justice. There was no registered opposition.

SB 892 (Murray)

As amended on May 14, 2003, SB 892 requires school districts as a condition of receipt of State apportionments, to use those funds, in part, to protect the right of every public school pupil to attend a school in which restroom facilities are available, safe and clean. The bill would require every restroom facility in each public school to be open at all times during school hours and to be regularly maintained, cleaned, fully operational, stocked with supplies, and contain the minimum number of fixtures required by existing law. The previous version of bill also would have required local health departments to develop a plan for regular inspections of school restroom facilities and authorized school pupils, parents and employees to request the health department to conduct an inspection of any school restroom.

The California State Association of Counties (CSAC) opposed SB 892 prior to the removal of the mandate that county public health agencies regularly inspect public school restrooms. CSAC noted that public health resources are currently stretched very thin and local health departments could not assume the new inspection responsibilities without compromising their ability to protect the public's health against communicable disease and other public health threats. CSAC indicated that inspection and correction programs administered by school districts are a more appropriate approach to accomplishing the goals of the bill.

Senate Education Committee staff indicated in a recent Committee report that some aspects of SB 892 do not appear to be operationally feasible. For example, the requirement that every restroom facility be open, fully stocked and operational during school hours may not be possible if a plumbing problem develops that requires days to repair, or if a restroom is vandalized over a weekend it is unlikely that it would be fully operational on Monday morning.

SB 892 is sponsored by the author and it has no registered support. CSAC dropped its opposition following the May 14, 2003 amendment which eliminated mandated inspections by local health departments. According to Senate Appropriations

Committee staff, the hearing on SB 892 scheduled for May 29, 2003 was postponed for discussions between Senator Alpert, the Committee Chair, and the Governor's Office. No new hearing date has been set.

State Mandate Reimbursement

Under the California State Constitution, the State is not required to reimburse a local government for the costs to implement a Legislative mandate requested by that government. Bills which contain costs over \$150,000 are routinely placed on fiscal committee suspense files to be considered in the context of the State budget outlook. As previously noted, AB 1395 died on the Assembly Appropriations Committee's Suspense File. Should the County request that SB 892 be amended to authorize local health department agencies to provide inspections of public school restrooms, it is likely that the County would not succeed in obtaining State reimbursement for inspection costs.

Recommendation

The Department of Health Services (DHS) indicates that providing annual routine inspections of public school restrooms would result in annual County costs of \$252,000. As currently drafted, SB 892 does not mandate local health departments to inspect public school restroom facilities. **In the absence of funding to fully reimburse inspection costs, DHS recommends that the County support SB 892 as currently drafted, and we concur.**

DEJ:GK
MAL:MS:lm

c: Executive Officer, Board of Supervisors
County Counsel
Department of Health Services



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

June 13, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE BRATHWAITE BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
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MICHAEL D. ANTONOVICH
Fifth District

MOTION TO AMEND AB 1395 (LOWENTHAL) AND TO SUPPORT SB 892 (MURRAY) -- PUBLIC SCHOOL RESTROOM FACILITY STANDARDS AND INSPECTION (ITEM NO. 6, AGENDA OF JUNE 17, 2003)

Item No. 6 on the June 17, 2003 Agenda is a motion by Supervisor Antonovich to 1) seek an amendment to AB 1395 (Lowenthal) to establish enforcement authority for local health department agencies to provide annual routine inspections of public school restrooms and to recover inspection costs from the public schools or by specific State appropriations, and 2) support SB 892 (Murray). This item was continued from the meetings of May 13, 2003, May 20, 2003, and June 3, 2003. For your information, AB 1124 (Nunez) is another bill which addresses public school restroom maintenance and repair standards. It is also described below.

AB 1395 (Lowenthal)

AB 1395 failed passage from the Assembly Appropriations Committee's Suspense File on May 28, 2003.

AB 1395 would have required the governing board of every school district to develop a Restroom Improvement and Maintenance Plan by January 1, 2005 to address the problems associated with school restroom facilities and to ensure that minimum health standards are met in every restroom facility in the school district. Development of the restroom plan would have been required to include participation of the governing board members, school administrators, teachers, pupils, parents or guardians, and classified school staff. The plan would have addressed openness, cleanliness, repair, maintenance, and safety of restrooms in the district.

AB 1395 was amended on May 14, 2003 to require the governing board of a school district to report, at designated school board meetings and on a biannual basis, on the

district's progress in implementing its Restroom Facilities Improvement and Maintenance Plan, instead of including this information in the School Accountability Report Card. Because the School Accountability Report Card was established by Proposition 98, "The Classroom Instructional Improvement and Accountability Act of 1998," would have required a 2/3 vote of the Legislature to change the provision.

AB 1395 was sponsored by the author and supported by the California Teachers Association, the California Medical Association and Californians for Justice. There was no registered opposition.

SB 892 (Murray)

As amended on June 4, 2003, SB 892 requires every public school, as a condition of receipt of apportionments from the State School fund, to keep restroom facilities open at all times during school hours and to ensure that they are regularly maintained, cleaned, fully operational, and stocked with soap and paper supplies. A previous version of the bill also would have required local health departments to develop a plan for regular inspections of school restroom facilities and authorized school pupils, parents and employees to request the health department to conduct an inspection of any school restroom.

The California State Association of Counties (CSAC) opposed SB 892 prior to the removal of the mandate that county public health agencies regularly inspect public school restrooms. CSAC noted that public health resources are currently stretched very thin and local health departments could not assume the new inspection responsibilities without compromising their ability to protect the public's health against communicable disease and other public health threats. CSAC indicated that inspection and correction programs administered by school districts are a more appropriate approach to accomplishing the goals of the bill.

Senate Education Committee staff indicated in a recent Committee report that some aspects of SB 892 do not appear to be operationally feasible. For example, the requirement that every restroom facility be open, fully stocked and operational during school hours may not be possible if a plumbing problem develops that requires days to repair, or if a restroom is vandalized over a weekend it is unlikely that it would be fully operational on Monday morning. A recent Senate Floor Analysis notes that enactment of this bill is likely to result in a claim that it creates a State mandated local program. Should the Commission on State Mandates agree, the State will be required to pay claims for costs incurred by all school districts to maintain safe and clean restrooms.

SB 892 is sponsored by the author and it has no registered support. CSAC dropped its opposition following the May 14, 2003 amendment which eliminated mandated inspections by local health departments. SB 892 passed the Senate Floor on June 5, 2003 on a vote of 39 to 0.

AB 1124 (Nunez)

As amended on April 10, 2003, AB 1124 would require that, as a first priority, school districts use maintenance funding to ensure that restroom facilities for pupils are functional and that they meet State and local hygiene standards generally applicable to public restrooms, except for expenditures needed to address imminent risks to health or safety. The coauthors of AB 1124 include Assembly Member Lowenthal, 35 other members of the Assembly, and Senator Gloria Romero. It is supported by the California Association of Student Councils, California Federation of Teachers, California Medical Association, California School Employees Association, California State PTA, and the California Teachers Association. There is no registered opposition. AB 1124 passed the Assembly Floor on April 24, 2003 on a vote of 51 to 24, and passed the Senate Education Committee on June 11, 2003 on a vote of 7 to 2. It now awaits a hearing in the Senate Health and Human Services Committee.

State Mandate Reimbursement

Under the California State Constitution, the State is not required to reimburse a local government for the costs to implement a Legislative mandate requested by that government. Bills which contain costs over \$150,000 are routinely placed on fiscal committee suspense files to be considered in the context of the State budget outlook. As previously noted, AB 1395 died on the Assembly Appropriations Committee's Suspense File. Should the County request that SB 892 be amended to authorize local health department agencies to provide inspections of public school restrooms, it is likely that the County would not succeed in obtaining State reimbursement for inspection costs.

Recommendation

The Department of Health Services (DHS) indicates that providing annual routine inspections of public school restrooms would result in annual County costs of \$252,000. As currently drafted, SB 892 does not mandate local health departments to inspect public school restroom facilities. **In the absence of funding to fully reimburse inspection costs, DHS recommends that the County support SB 892 as currently drafted, and we concur.**

DEJ:GK
MAL:MS:lm

c: Executive Officer, Board of Supervisors
County Counsel
Department of Health Services



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

June 19, 2003

Varona Lukene

Board of Supervisors
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First District
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Second District
ZEV YAROSLAVSKY
Third District
DON KNABE
Fourth District
MICHAEL D. ANTONOVICH
Fifth District

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

MOTION TO AMEND AB 1395 (LOWENTHAL) AND TO SUPPORT SB 892 (MURRAY) -- PUBLIC SCHOOL RESTROOM FACILITY STANDARDS AND INSPECTION (ITEM NO. 12, AGENDA OF JUNE 24, 2003)

Item No. 12 on the June 24, 2003 Agenda is a motion by Supervisor Antonovich to 1) seek an amendment to AB 1395 (Lowenthal) to establish enforcement authority for local health department agencies to provide annual routine inspections of public school restrooms and to recover inspection costs from the public schools or by specific State appropriations, and 2) support SB 892 (Murray). This item was continued from the meetings of May 13, 2003, May 20, 2003, and June 3, 2003. For your information, AB 1124 (Nunez) is another bill which addresses public school restroom maintenance and repair standards. It is also described below.

AB 1395 (Lowenthal)

AB 1395 failed passage from the Assembly Appropriations Committee's Suspense File on May 28, 2003.

AB 1395 would have required the governing board of every school district to develop a Restroom Improvement and Maintenance Plan by January 1, 2005 to address the problems associated with school restroom facilities and to ensure that minimum health standards are met in every restroom facility in the school district. Development of

the restroom plan would have been required to include participation of the governing board members, school administrators, teachers, pupils, parents or guardians, and classified school staff. The plan would have addressed openness, cleanliness, repair, maintenance, and safety of restrooms in the district.

AB 1395 was amended on May 14, 2003 to require the governing board of a school district to report, at designated school board meetings and on a biannual basis, on the district's progress in implementing its Restroom Facilities Improvement and Maintenance Plan, instead of including this information in the School Accountability Report Card. Because the School Accountability Report Card was established by Proposition 98, "The Classroom Instructional Improvement and Accountability Act of 1998," would have required a two-thirds vote of the Legislature to change the provision.

AB 1395 was sponsored by the author and supported by the California Teachers Association, the California Medical Association and Californians for Justice. There was no registered opposition.

SB 892 (Murray)

As amended on June 4, 2003, SB 892 requires every public school, as a condition of receipt of apportionments from the State School Fund, to keep restroom facilities open at all times during school hours and to ensure that they are regularly maintained, cleaned, fully operational, and stocked with soap and paper supplies. A previous version of the bill also would have required local health departments to develop a plan for regular inspections of school restroom facilities and authorized school pupils, parents and employees to request the health department to conduct an inspection of any school restroom.

The California State Association of Counties (CSAC) opposed SB 892 prior to the removal of the mandate that county public health agencies regularly inspect public school restrooms. CSAC noted that public health resources are currently stretched very thin and local health departments could not assume the new inspection responsibilities without compromising their ability to protect the public's health against communicable disease and other public health threats. CSAC indicated that inspection and correction programs administered by school districts are a more appropriate approach to accomplishing the goals of the bill.

Senate Education Committee staff indicated in a recent Committee report that some aspects of SB 892 do not appear to be operationally feasible. For example, the requirement that every restroom facility be open, fully stocked and operational during

school hours may not be possible if a plumbing problem develops that requires days to repair, or if a restroom is vandalized over a weekend, it is unlikely that it would be fully operational on Monday morning. A recent Senate Floor Analysis notes that enactment of this bill is likely to result in a claim that it creates a State mandated local program. Should the Commission on State Mandates agree, the State will be required to pay claims for costs incurred by all school districts to maintain safe and clean restrooms.

SB 892 is sponsored by the author and it has no registered support. CSAC dropped its opposition following the May 14, 2003 amendment which eliminated mandated inspections by local health departments. SB 892 passed the Senate Floor on June 5, 2003 on a vote of 39 to 0. It is set for hearing on July 9, 2003 in the Assembly Education Committee.

AB 1124 (Nunez)

As amended on April 10, 2003, AB 1124 would require that, as a first priority, school districts use maintenance funding to ensure that restroom facilities for pupils are functional and that they meet State and local hygiene standards generally applicable to public restrooms, except for expenditures needed to address imminent risks to health or safety. The coauthors of AB 1124 include Assembly Member Lowenthal, 35 other members of the Assembly, and Senator Gloria Romero. It is supported by the California Association of Student Councils, California Federation of Teachers, California Medical Association, California School Employees Association, California State PTA, and the California Teachers Association. There is no registered opposition. AB 1124 passed the Assembly Floor on April 24, 2003 on a vote of 51 to 24, passed the Senate Education Committee on June 11, 2003 on a vote of 7 to 2, and passed the Senate Health and Human Services Committee on June 18, 2003 on a vote of 10 to 1. It now awaits a hearing in the Senate Appropriations Committee.

State Mandate Reimbursement

Under the California State Constitution, the State is not required to reimburse a local government for the costs to implement a Legislative mandate requested by that government. Bills which contain costs over \$150,000 are routinely placed on fiscal committee suspense files to be considered in the context of the State budget outlook. As previously noted, AB 1395 died on the Assembly Appropriations Committee's Suspense File. Should the County request that SB 892 be amended to authorize local health department agencies to provide inspections of public school restrooms, it is likely that the County would not succeed in obtaining State reimbursement for inspection costs.

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Recommendation

The Department of Health Services (DHS) indicates that providing annual routine inspections of public school restrooms would result in annual County costs of \$252,000. As currently drafted, SB 892 does not mandate local health departments to inspect public school restroom facilities. **In the absence of funding to fully reimburse inspection costs, DHS recommends that the County support SB 892 as currently drafted, and we concur.**

DEJ:GK
MAL:MS:ib

c: Executive Officer, Board of Supervisors
County Counsel
Department of Health Services